

Senate Study Bill 1130 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to the certification of milk, and the transfer
2 of duties from the department of public health to the
3 department of agriculture and land stewardship.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 192.109, Code 2011, is amended to read
2 as follows:

3 **192.109 Certification of grade "A" label.**

4 The ~~Iowa~~ department of ~~public health~~ agriculture and
5 land stewardship shall annually survey and certify all
6 milk labeled grade "A" pasteurized and grade "A" raw milk
7 for pasteurization, and, in the event a survey shows the
8 requirements for production, processing, and distribution for
9 such grade are not being complied with, the fact thereof shall
10 be certified by the ~~Iowa~~ department of ~~public health~~ to the
11 secretary of agriculture who shall proceed with the provisions
12 of section 192.107 for suspending the permit of the violator or
13 who, if the secretary did not issue such permit, shall withdraw
14 the grade "A" declared on the label.

15 **Sec. 2. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.**

16 1. Any rule, regulation, form, order, or directive
17 promulgated by the department of public health as required to
18 administer and enforce the provisions of section 192.109 shall
19 continue in full force and effect until amended, repealed,
20 or supplemented by affirmative action of the department of
21 agriculture and land stewardship.

22 2. An administrative hearing or court proceeding arising
23 out of an enforcement action under section 192.109 pending
24 on the effective date of this Act shall not be affected due
25 to this Act. Any cause of action or statute of limitation
26 relating to an action taken by the department of public health
27 shall not be affected as a result of this Act and such cause
28 or statute of limitation shall apply to the department of
29 agriculture and land stewardship.

30 3. Any personnel in the state merit system of employment
31 who are mandatorily transferred due to the effect of this Act
32 shall be so transferred without any loss in salary, benefits,
33 or accrued years of service.

34 4. Any replacement of signs, logos, stationery, insignia,
35 uniforms, and related items that is made necessary due to

1 the effect of this Act shall be done as part of the normal
2 replacement cycle for such items.

3 EXPLANATION

4 This bill relates to the regulation of milk or milk
5 products, including labeling requirements (Code chapter 191)
6 or production, processing, or distribution requirements (Code
7 chapter 192), as administered and enforced by the department of
8 agriculture and land stewardship. A person who stores, brings,
9 sends, or receives milk or milk products into this state for
10 commercial purposes must be issued a permit by the department
11 (Code section 192.107).

12 The department of public health annually surveys and
13 certifies to the department of agriculture and land stewardship
14 whether milk or milk products comply with the requirements.
15 The secretary of agriculture then must suspend the permit
16 of a violator or withdraw the grade "A" label (Code section
17 192.109). The bill transfers the certification authority
18 from the department of public health to the department of
19 agriculture and land stewardship.

20 The bill provides transitional provisions to assist the
21 departments in accomplishing the transfer. The provisions
22 relate to the validity of existing rules, regulations, forms,
23 orders, and directives promulgated by the department of public
24 health; pending enforcement actions; the transfer of personnel;
25 and the replacement of items with insignia.